

BILL LOCKYER, Attorney General
of the State of California
CHRIS LEONG, State Bar No. 141079
Deputy Attorney General
California Department of Justice
300 South Spring Street, Suite 1702
Los Angeles, California 90013
Telephone: (213) 897-2575
Facsimile: (213) 897-9395
E-mail: chris.leong@doj.ca.gov

Attorneys for Complainant

**BEFORE THE
PHYSICAL THERAPY BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 1D 2005 64148

FRANKLIN ALEXANDER ORTIZ
1587 ½ W. 29th Street
Los Angeles, California 90007

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

Physical Therapist Assistant License No.
AT 6537,

Respondent.

In the interest of a prompt and speedy settlement of this matter, consistent with the public interest and the responsibility of the Physical Therapy Board of California of the Department of Consumer Affairs (Board), the parties hereby agree to the following Stipulated Settlement and Disciplinary Order which will be submitted to the Board for approval and adoption as the final disposition of the Accusation.

PARTIES

1. Steven K. Hartzell (Complainant) is the Executive Officer of the Board. He brought this action solely in his official capacity and is represented in this matter by Bill Lockyer, Attorney General of the State of California, by Chris Leong, Deputy Attorney General.

2. Respondent Franklin Alexander Ortiz (Respondent) is representing

himself in this proceeding and has chosen not to exercise his right to be represented by counsel.

3. On or about July 24, 2003, the Board issued Physical Therapist Assistant License No. AT 6537 to Respondent. The license was in full force and effect at all times relevant to the charges brought in Accusation No. 1D 2005 64148 and will expire on March 31, 2007, unless renewed.

JURISDICTION

4. Accusation No. 1D 2005 64148 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on October 27, 2005. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. 1D 2005 64148 is attached as Exhibit A and is incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Accusation No. 1D 2005 64148. Respondent has also carefully read, and understands the effects of this Stipulated Settlement and Disciplinary Order.

6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation No. 1D 2005 64148.

9. Respondent agrees that his Physical Therapist is subject to discipline and

1 he agrees to be bound by the Board 's imposition of discipline as set forth in the Disciplinary
2 Order below.

3 CIRCUMSTANCES IN MITIGATION

4 10. Respondent Franklin Alexander Ortiz has never been the subject of any
5 disciplinary action. He is admitting responsibility at an early stage in the proceedings.

6 RESERVATION

7 11. The admissions made by Respondent herein are only for the purposes of
8 this proceeding, or any other proceedings in which the Board, or other professional licensing
9 agency is involved, and shall not be admissible in any other criminal or civil proceeding.

10 CONTINGENCY

11 12. This stipulation shall be subject to approval by the Board. Respondent
12 understands and agrees that counsel for Complainant and the staff of the Board may
13 communicate directly with the Board regarding this stipulation and settlement, without notice to
14 or participation by Respondent. By signing the stipulation, Respondent understands and agrees
15 that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the
16 Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and
17 Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for
18 this paragraph, it shall be inadmissible in any legal action between the parties, and the Board
19 shall not be disqualified from further action by having considered this matter.

20 13. The parties understand and agree that facsimile copies of this Stipulated
21 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same
22 force and effect as the originals.

23 14. In consideration of the foregoing admissions and stipulations, the parties
24 agree that the Board may, without further notice or formal proceeding, issue and enter the
25 following Disciplinary Order:

26 DISCIPLINARY ORDER

27 IT IS HEREBY ORDERED that Franklin Alexander Ortiz, holder of Physical
28 Therapist Assistant License No. AT 6537, shall be publicly reproved by the Board for violating

1 Business and Professions Code (Code) section 2660, subdivision (d), Code section 2661, and
2 California Code of Regulations, title 16, section 1399.20, as set forth in Accusation
3 No. 1D 2005 64148 (a copy of the public reproval is attached hereto as Exhibit B and is hereby
4 incorporated by reference as if fully set forth).

5 ACCEPTANCE

6 I have carefully read the Stipulated Settlement and Disciplinary Order. I
7 understand the stipulation and the effect it will have on my Physical Therapist Assistant License.
8 I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and
9 intelligently, and agree to be bound by the Decision and Order of the Board.

10 DATED: March 11, 2006.

11
12 Original Signed By:
13 FRANKLIN ALEXANDER ORTIZ
Respondent

14 ENDORSEMENT

15 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
16 submitted for consideration by the Board.

17
18 DATED: March 14, 2006.

19
20 BILL LOCKYER, Attorney General
of the State of California

21
22 Original Signed By:
23 CHRIS LEONG
Deputy Attorney General

24 Attorneys for Complainant

Exhibit A

Accusation No. 1D 2005 64148

Exhibit B
Public Reproval

Public Reapproval

Respondent's California Physical Therapist Assistant License No. AT 6537, is publicly reapproved under Business and Professions Code (Code) section 2660, subdivision (d), Code section 2661, and California Code of Regulations, Title 16, section 1399.20, subdivision (a) for being convicted of a crime substantially related to the qualifications, functions, or duties of a physical therapist assistant. The circumstances are as follows: On or about March 8, 2005, in a criminal proceeding entitled *People v. Franklin Ortiz*, in Superior Court, San Francisco County, Case No. 02203098, respondent was convicted by a plea of nolo contendere to the crime of driving under the influence of alcohol, a violation of Vehicle Code Section 23152, subdivision (a), a misdemeanor. The sentence included a three year probation. As a Discipline Consideration, on or about June 16, 1998, in a prior criminal proceeding entitled *People v. Franklin Alexander Ortiz*, in Municipal Court, Los Angeles County, Case No. 8PN03997, respondent was convicted of theft of property, a violation of Penal Code section 484, subdivision (a) and was placed on probation for two years.

**BEFORE THE
PHYSICAL THERAPY BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

FRANKLIN ALEXANDER ORTIZ
1587 ½ W. 29th Street
Los Angeles, California 90007

Physical Therapist Assistant License No.
AT 6537

Respondent.

Case No. 1D 2005 64148

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Physical Therapy Board of California, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on May 17, 2006.

It is so ORDERED April 17, 2006.

Original Signed By:
FOR THE PHYSICAL THERAPY BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS